

THE STATE OF SOUTH DAKOTA,

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CIV 10-651

Plaintiff,

vs.

AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
DEFAULT JUDGEMENT

LOEWENBERG TECHNOLOGIES, INC.,

Defendant.

Kara Semmler, Special Assistant Attorney General and attorney for the Plaintiff, the State of South Dakota, states the following pursuant to SDCL 15-6-55(a) in support of the Plaintiff's Application for Default Judgment:

1. Plaintiff, the state of South Dakota brings this action by and through the Public Utilities Commission ("Commission") an agency of the State of South Dakota.
2. The Commission commenced this action by personal service upon Defendant, Loewenberg Technologies, Inc. on February 18, 2010. The sheriff's return of service is attached as Exhibit A.
3. The Summons states: "you are required to answer the Complaint...within 30 days after service of this Summons and Complaint upon you, exclusive of the day of such service. You are further notified that if you fail to answer the Complaint within the time aforesaid, judgment by default may be entered against you as requested in the Complaint."

4. To the knowledge of affiant, defendant has not served or filed an Answer or any other pleading in this case upon the Court or Commission.

5. Defendant has not paid anything to the Commission or One Call in satisfaction of the One Thousand Dollars (\$1,000) in civil fines levied by One Call nor given any indication to the Commission or One Call that he intends to do so.

Dated this 29th day of April, 2010



Kara C. Semmler
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Ph (605) 773-3201
Fax 866-757-6031
Attorney for Plaintiff,
South Dakota Public Utilities Commission

RECEIVED

FEB 25 2010

STATE OF SOUTH DAKOTA,

COUNTY OF MINNEHAHA

SEND TO: SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
SD PUBLIC UTILITIES COMMISSION
500 E CAPITOL AVE

PIERRE, SD
57501-5070

ENTRY	
ST OF SD	Plaintiff
- VS -	
LOWENBERG TECHNOLOGIES INC	Defendant
NONE	

AFFIDAVIT OF SERVICE:

I, CIVIL SERVER JOHN OLSON, Sheriff of Minnehaha County, South Dakota, hereby certify and return that the annexed SUMMONS, COMPLAINT came into my hands for service on the 18TH day of FEBRUARY, 2010. That I served the same on LOEWENBERG BRUCE REG AGENT by delivering and leaving a true copy thereof with BRUCE LOEWENBERG REG AGENT in Minnehaha County, State of South Dakota, on the 22ND day of FEBRUARY, 2010.

PAYMENT INSTRUCTIONS

RETURN PAGE 2, ALONG WITH YOUR CHECK OR MONEY ORDER TO:

MINNEHAHA COUNTY SHERIFF DEPARTMENT
320 W 4TH STREET
SIOUX FALLS, SOUTH DAKOTA 57104-2435

SHERIFF'S FEES	
SUMMONS	25.00
COMPLAINT	25.00
MILEAGE	1.72
TOTAL FEES \$	26.72

SHERIFF

By 
DEPUTY SHERIFF

Exhibit A